UNITED STATES PATENT AND TRADEMARK OFFICE

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10/750,365	12/31/2003	Sumit Agarwal	Google-58 (GP-155-00-US)	4904

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ART UNIT	PAPER NUMBER
2167	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/750,365	AGARWAL ET AL.
	Examiner	Art Unit	
	Susan F. Rayyan	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 June 2007*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20,28-47,55 and 56* is/are pending in the application.

    4a) Of the above claim(s) ___ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20,28-47,55 and 56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June

22, 2007 has been entered.

Response to Arguments

2.   Applicant's arguments filed June 22, 2007 have been fully considered.

Applicant argues prior art of record does not teach "for an ad to be server,

automatically selecting one of a plurality of candidate ad landing pages". Examiner finds

Patel does teach this limitation. In creating an ad to be served the creator (advertisers)

selects the ad landing page (target). This is a necessary step in the creation of an ad

that is to be served. Patel clearly indicated at paragraph 0038, line 5 advertisers

creating offers comprised of creative and price, at paragraph 0100 serving the ad and at

paragraph 0104 redirecting to the appropriate target (ad landing page) and in addition

Patel teaches at paragraph 187, automatically generating.

Applicant argues Patel does not teach tracking a performance of the ad in

combination with the automatically selected ad landing page. Examiner finds Patel does

teach this at paragraph 0104 as gathering information about actions or events related to an ad that has been served such as click-throughs or purchases. This tracking is associated not only with the ad but with the associated ad landing page.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., system based on some selection criteria or test policy such as round robin or randomly) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues prior are of record does not teach designation of one of the plurality of ad landing pages is done automatically using a comparison of the respective performances of the ad landing pages. Patel teaches this limitation (paragraph 203, automated mechanism to specify conditions under which an ad is to be accepted or discontinue based on the performance).

Applicant's arguments with respect to claims 2-3, 29-30 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

3.   Claims 1-20,28-47,55 and 56 are currently pending. Claims 21-27, 48-54 are canceled.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-20,28, 31-47,55 and 56 are rejected under 35 U.S.C. 102(b) as

being anticipated by US Patent Application Number 2004/0103024 issued to

Dorab Patel ("Patel").

As per independent claim 1 Patel anticipates:

for an ad to be served, automatically selecting one of a plurality of candidate ad landing

pages and automatically assembling the ad to include a link to the selected ad landing

page (paragraph 38, line 5, creative offer, paragraph51 and paragraph 187,

automatically);

 serving the assembled ad (paragraph 51, line 27-28, automatically serving ad); and

 tracking a performance of the ad in combination with the automatically selected ad

landing page (paragraph 104, gathering information related to various actions related to

ad).

As per claim 4, same as claim arguments above and Patel anticipates:

wherein the performance of the ad in combination with the automatically selected ad

landing page tracked is at least one of conversion per impression performance,

conversion per selection performance, sales per ad selection, sales per ad impression,

earnings per ad selection, and earnings per ad impression (paragraph 201,

impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 5, same as claim arguments above and Patel anticipates:

determining whether or not to automatically designate one of the plurality of candidate

ad landing pages using a comparison of their respective performance and an auto-

designation policy and automatically designating the one of the plurality of candidate

ad landing pages if it was determined to designate it (paragraph 203, automated

mechanism to specify conditions to accept or discontinue).

As per claim 6, same as claim arguments above and Patel anticipates:

wherein the performance of the ad in combination with the automatically selected ad

landing page tracked is at least one of conversion per impression performance,

conversion per selection performance, sales per ad selection, sales per ad impression,

earnings per ad selection, and earnings per ad impression (paragraph 201,

impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 7, same as claim arguments above and Patel anticipates:

 accepting a request for performance information of the ad, and providing the

performance information of the ad for each of the plurality of candidate ad landing

pages with which the ad was served to the requester (paragraph 196, reports available

for data collected by ad server, paragraph 236-239, paragraph 636-637, generate on-

demand reports).

As per claim 8, same as claim arguments above and Patel anticipates:

wherein performance information of this ad provided for each of the plurality o candidate

ad landing pages with which the ad was served is at least

 one of conversion per impression performance, conversion per selection performance,

 sales per ad selection, sales per ad impression, earnings per ad selection, and

earnings per ad impression (paragraph 201, impressions, paragraph 203, actions

monitored, paragraph 236, impressions).

As per claim 9, same as claim arguments above and Patel anticipates:

 accepting a manual ad landing page designation instruction, and designating one of

the plurality of candidate ad landing pages using the manual ad landing page

designation instruction (paragraph 122, paragraphs 424-425, 437, manage banners).

As per claim 10, same as claim arguments above and Patel anticipates:

wherein the performance of the ad in combination with the automatically selected ad

landing page tracked is at least one of conversion per impression performance,

conversion per selection performance, sales per ad selection, sales per ad impression,

earnings per ad selection, and earnings per ad impression (paragraph 201,

impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 11, same as claim arguments above and Patel anticipates:

normalizing the performance of the ad in combination with the automatically selected

ad landing page to remove ad landing page independent factors that may influence the

ad performance (paragraph 139).

As per claim 12, same as claim arguments above and Patel anticipates:

wherein the plurality of candidate ad landing pages are different in at least one of the

following (A) different information, (B) different products offered for sale, (C) different

services offered for sale, (D) different product prices, (E) different service prices, (F)

different formatting, and (G) different shipping charges (paragraph 186-187 different

product offers and prices).

As per independent claim 13 Patel anticipates:

for an ad to be served, automatically selecting one of a plurality of candidate ad landing page, ad creative combinations and automatically assembling the ad to include the selected ad creative and the selected ad landing page of the selected (ad landing page, ad creative) combination(paragraph 38, line 5, creative offer, paragraph51, paragraph 187, automatically);

serving the assembled ad(paragraph 51, line 27-28, automatically serving ad); and

tracking, a performance of the ad in combination with the automatically selected (ad landing page, ad creative) combination (paragraph 104, gathering information related to various actions related to ad) .

As per claim 14, same as claim arguments above and Patel anticipates:
wherein the performance of the ad in combination with the automatically selected ad landing page tracked is at least one of conversion performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 15, same as claim arguments above and Patel anticipates:
wherein the plurality of candidate ad landing pages are different in at least one of the following (A) different information, (B) different products offered for sale, (C) different services offered for sale, (D) different product prices, (E) different service prices, (F)

different formatting, and (G) different shipping charges(paragraph 186-187 different

product offers and prices).

As per independent claim 16 Patel anticipates:

for an ad to be served, selecting one of a plurality of candidate (ad landing

page, ad serving criteria) combinations and assembling the ad to include the selected

ad landing page of the selected (ad landing page, ad serving criteria) combination

(paragraph 38, line 5, creative offer, paragraph51, paragraph 187, automatically);

serving the assembled ad (paragraph 51, line 27-28, automatically serving ad); and

tracking a performance of the ad in combination with the automatically selected (ad

landing, ad serving criteria) combination (paragraph 104, gathering information related

to various actions related to ad, paragraph 187, automated testing of variables

impacting effectiveness of advertising) .

As per claim 17, same as claim arguments above and Patel anticipates:

wherein the performance of the ad in combination with the automatically selected (ad

landing page, ad serving criteria) tracked is at least one of conversion performance,

sales per ad selection, sales per ad impression, earnings per ad selection, and

earnings per ad impression (paragraph 201, impressions, paragraph 203, actions

monitored, paragraph 236, impressions).

As per claim 18, same as claim arguments above and Patel anticipates:

wherein the plurality of candidate ad landing pages are different in at least one of the

following (A) different information, (B) different products offered for sale, (C) different

services offered for sale, (D) different product prices, (E) different service prices, (F)

different formatting, and (G) different shipping charges(paragraph 186-187 different

product offers and prices).

As per independent claim 19 Patel anticipates:

for an ad to be served, automatically selecting one of a plurality of candidate ad

landing pages, wherein each of the plurality of candidate ad landing pages has a

different type and automatically assembling the ad to include the selected ad landing

page (paragraph 38, line 5, creative offer, paragraph51, paragraph 187, automatically);

serving the assembled ad(paragraph 51, line 27-28, automatically serving ad);

tracking, performance of a set of ads in combination with the type of automatically

selected ad landing page (paragraph 104, gathering information related to various

actions related to ad, paragraph 187, automated testing of variables impacting

effectiveness of advertising) .

As per claim 20, same as claim arguments above and Patel anticipates:

wherein the different types of ad landing pages have different formatting styles

(paragraph 163, different formats).

As per independent claim 28 Patel anticipates:

means for automatically selecting one of a plurality of candidate ad landing pages for

an ad to be served and means for automatically assembling the ad to include a link to

the selected ad landing page (paragraph 38, line 5, creative offer, paragraph51);

means for serving the assembled ad(paragraph 51, line 27-28, automatically serving

ad, paragraph 187, automatically);

d) means for tracking a performance of the ad in combination with the automatically

selected ad landing page (paragraph 104, gathering information related to various

actions related to ad) .

As per claim 31, same as claim arguments above and Patel anticipates;

wherein the performance of the ad in combination with the automatically selected ad

landing page tracked is at least one of conversion per impression performance,

conversion per selection performance, sales per ad selection, sales per ad impression,

earnings per ad selection, and earnings per ad impression (paragraph 201,

impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 32, same as claim arguments above and Patel anticipates:

means for determining whether or not to automatically designate one of the plurality of

candidate ad landing pages using a comparison of their respective performance and an

auto-designation policy, and means for automatically designating the one of the

plurality of candidate ad landing pages if it was determined to designate it (paragraph

203, automated mechanism to specify conditions to accept or discontinue).

As per claim 33, same as claim arguments above and Patel anticipates:

wherein the performance of the ad in combination with the automatically selected ad

landing page tracked is at least one of conversion per impression performance,

conversion per selection performance, sales per ad selection, sales per ad impression,

earnings per ad selection, and earnings per ad impression (paragraph 201,

impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 34, same as claim arguments above and Patel anticipates:

means for accepting a request for performance information of the ad , and

means for providing the performance information of the ad ...to the

requester (paragraph 196, reports available for data collected by ad server, paragraph

236-239, paragraph 636-637, generate on-demand reports).

As per claim 35, same as claim arguments above and Patel anticipates:

wherein the performance information of the ad provided for each of the plurality of the

candidate ad landing pages with which the ad was served is at least one of conversion

per impression performance, conversion per selection performance, sales per ad

selection, sales per ad impression, earnings per ad selection, and earnings per ad

impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph

236, impressions).

As per claim 36, same as claim arguments above and Patel anticipates:

means for accepting a manual ad landing page designation instruction, and means for

designating one of the' plurality of candidate ad landing pages using the manual ad

landing page designation instruction(paragraph 122, paragraphs 424-425, 437,

manage banners).

As per claim 37, same as claim arguments above and Patel anticipates;

wherein the performance of the ad in combination with the automatically selected ad

landing page tracked is at least one of conversion per impression performance,

conversion per selection performance, sales per ad selection, sales per ad impression,

earnings per ad selection, and earnings per ad impression paragraph 201, impressions,

paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 38, same as claim arguments above and Patel anticipates:

e) means for normalizing the per ad landing page ad performance of the ad in

combination with the automatically selected ad landing page to remove ad

landing page independent factors that may influence the ad performance (paragraph

139).

As per claim 39, same as claim arguments above and Patel anticipates:

wherein the plurality of candidate ad landing pages are different in at least one of the

following (A) different information, (B) different products offered for sale, (C) different

services offered for sale, (D) different product prices, (E) different service prices, (F)

different formatting, and (G) different shipping charges(paragraph 186-187 different

product offers and prices).

As per independent claim 40 Patel anticipates:

 means for automatically selecting one of a plurality of candidate (ad landing page, ad

 creative) combinations for an ad to be served and means for automatically assembling

 the ad to include the selected ad creative and the selected ad landing page of the

 selected (ad landing page, ad creative combination (paragraph 38, line 5, creative offer,

 paragraph51, paragraph 187, automatically);

 c) means for serving the assembled ad(paragraph 51, line 27-28, automatically serving

 ad);

 means for tracking a performance of the ad in combination with the automatically

 selected (ad landing page, ad creative) combinations (paragraph 104, gathering

 information related to various actions related to ad, paragraph 187, automated testing of

 variables impacting effectiveness of advertising) .

As per claim 41, same as claim arguments above and Pate anticipates;

wherein the performance of the ad in combination with the automatically selected (ad

landing page, ad creative) combinations tracked is at least one of conversion

performance, sales per ad selection, sales per ad impression, earnings per ad

selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203,

actions monitored, paragraph 236, impressions).

As per claim 42, same as claim arguments above and Patel anticipates:

wherein the plurality of candidate ad landing pages are different in at least one of the

following (A) different information, (B) different products offered for sale, (C) different

services offered for sale, (D) different product prices, (E) different service prices, (F)

different formatting, and (G) different shipping charges(paragraph 186-187 different

product offers and prices).

As per independent claim 43 Patel anticipates:

 means for automatically selecting one of a plurality of candidate (ad landing page, ad

serving criteria) combinations for an ad to be served and means for automatically

assembling the ad to include the selected ad landing page of the selected lad landing

page, ad serving criteria) combination (paragraph 38, line 5, creative offer,

paragraph51, paragraph 187, automatically);

 means for serving the assembled ad paragraph 51, line 27-28, automatically serving

ad);

means for tracking, a performance of the ad in combination with the automatically

selected (ad landing page, ad creative) combinations (paragraph 104, gathering

information related to various actions related to ad) .

As per claim 44, same as claim arguments above and Patel anticipates:

wherein the performance of the ad in combination with the automatically selected (ad

landing page, ad serving criteria) combinations tracked is at least one of conversion

performance, sales per ad selection, sales per ad impression, earnings per ad

selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203,

actions monitored, paragraph 236, impressions).

As per claim 45, same as claim arguments above and Patel anticipates:

wherein the plurality of candidate ad landing pages are different in at least one of the

following (A) different information, (B) different products offered for sale, (C) different

services offered for sale, (D) different product prices, (E) different service prices, (F)

different formatting, and (G) different shipping charges(paragraph 186-187 different

product offers and prices).

As per independent claim 46 Patel anticipates:

means for automatically selecting one of a plurality of candidate ad landing pages,

wherein each of the plurality of candidate ad landing pages has a different type, for an

ad to be served and means for automatically assembling the ad to include the selected

ad landing page(paragraph 38, line 5, creative offer, paragraph51, paragraph 187,

automatically);

means for serving the assembled ad(paragraph 51, line 27-28, automatically serving

ad);

means for tracking a performance of a set of ads in combination with the type of the

automatically selected (d landing page (paragraph 104, gathering information related to

various actions related to ad, paragraph 187, automated testing of variables impacting

effectiveness of advertising) .

As per claim 47, same as claim arguments above and Patel anticipates:

wherein the different types of ad landing pages have different formatting

styles(paragraph 163, different formats).

As per claims 55,56 Patel anticipates:

for an ad to be served at a first time automatically selecting a first ad landing page

from a plurality of candidate ad landing pages and serving an instance of the ad with a

link to the first ad landing page (paragraph 38, line 5, creative offer, paragraph51 and

paragraph 187, automatically);

for the ad to be served a second time i) automatically selecting a second ad

landing page, different from the previously selected first ad landing page, from the

plurality of candidate ad landing pages, and serving an instance of the ad with a link to

the second ad landing page(paragraph 38, line 5, creative offer, paragraph51 and

paragraph 187, automatically);

tracking the performance of instances of the ad having a link to the first ad landing

page and tracking the performance of instances of the ad having a link to the second ad

landing page(paragraph 104, gathering information related to various actions related to

ad).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-3, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable

over US Patent Application Number 2004/0103024 issued to Dorab Patel ("Patel")

as applied to claim1, 28 above, and further in view of US Patent Number 7,047,242

issued to Jay Ponte ("Ponte").

As per claims 2, 29 same as claim arguments above and Patel teaches wherein the

act of automatically selecting one of a plurality of candidate ad landing pages(paragraph

38, line 5, creative offer, paragraph51 and paragraph 187, automatically) . Patel does

not teach performed in a round-robin manner . Ponte does teach this limitation (column

62, lines 54-67, round robin) to target advertisement. It would have been obvious to a

person of ordinary skill in the art at the time of the invention to modify Patel with round-

robin to targeting advertisement (abstract)

As per claims 3,30 same as claim arguments above and Patel teaches:

wherein the act of automatically selecting one of a plurality of candidate ad landing

pages (paragraph 38, line 5, creative offer, paragraph51 and paragraph 187,

automatically) . Patel does not teach performed using a random selection function.

Ponte does teach this limitation (column 62, lines 54-67) to target advertisement .It

would have been obvious to a person of ordinary skill in the art at the time of the

invention to modify Patel with round-robin target advertisement (abstract)

Contact Information

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Susan F. Rayyan whose telephone number is 571-272-

1675. The examiner can normally be reached on M-F, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SR
9/4/2007

Primary Examiner
Art Unit 2167